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Paper No.9

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SEP 10 2003

OFFICE OF PETITIONS

In re Application of
Hadden et al.
Application No. 09/941,525
Filed: August 29, 2001
Title of Invention: COATED WIRE
CLOTH FABRIC

DECISION ON PETITION

BEST AVAILABLE COPY

This is a decision on the petition under 37 CFR 1.137(b), filed August 18, 2003, to revive the above-identified application.

This petition is hereby **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office Action mailed October 9, 2002. The non-final Office Action set a one (1) month shortened statutory period for reply. A reply was filed on April 8, 2003 but it was filed without the required extension of time fee. Accordingly, this application became abandoned on November 10, 2002. A Notice of Abandonment was mailed on June 2, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(C) and (D).

The instant petition lacks item (1). The Office is in receipt of the response to the October 9, 2002 Office Action. However, petitioner must obtain the signature of co-inventor Kirk Holton Autio, on the petition pursuant to 37 CFR 1.33 (2)(b)(3) which requires the signature of all applicants where there is no registered practitioner or an

assignee of the entire invention.

A five (5) month extension of time was requested with the instant petition. However, pursuant to 37 CFR 1.136 (a), an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's six (6) month statutory period expired on April 9, 2003. Petitioner is ineligible for any extensions of time, nor is an extension of time fee required to revive the application. Accordingly, a treasury check in the amount of \$985.00 will be forwarded to petitioner for fees paid to acquire an extension of time.

Further Correspondence with respect to this matter should be addressed as follows:

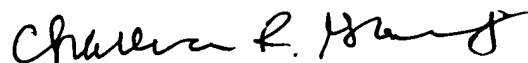
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Telephone inquiries concerning this matter should be directed to the undersigned at (703) 306-0251.


Charlema R. Grant
Petitions Attorney
Office of Petitions

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